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Re: The Italian data protection regulation

Data protection issues are regulated in Italy by Legislative Decree n. 196 of June 30, 2003 (*Codice in materia di protezione dei dati personali*, the “Data Protection Code”), which came into force on January 1, 2004 and has implemented the European Directive 95/46/EC.

The Data Protection Code is divided into three parts. The first part sets out the general data protection principles that apply to all subjects. Part two provides additional measures applying in certain area, for example healthcare, telecommunications, banking and finance, human resources. Part three relates to sanctions and remedies.

In addition to the provisions of the Data Protection Code, which is a national law, the Italian Data Protection Authority (*Garante per la protezione dei dati personali*) has issued in the last twenty years several opinions, decisions, guides lines, authorizations in different fields such as employment, video surveillance, marketing, banking, insurance, health care.

Following the adoption of Regulation (EU) 2016/679 (“GDPR”), with law n. 163 of October 25, 2017 the Italian Parliament has delegated the Italian Government to adopt, within May 20, 2018, a legislative decree in order to adapt the Italian regulation on data protection to GDPR.

In particular, the Italian Government will have to:

- a) expressly repeal the provisions of the Data Protection Code inconsistent with GDPR;
- b) modify the Data Protection Code implementing the provisions of GDPR not directly applicable;
- c) harmonise the current provisions on data protection with GDPR;
- d) provide the adoption of implementing acts by the Italian Data Protection Authority;
- e) adapt the criminal and administrative sanctions to GDPR.

We are therefore waiting for the adoption of such regulation by the Italian Government.

Marta Margiocco